IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

C.W.P. No. 9812 of 2007

DATE OF DECISION: 6.7.2007

Som Nath Dhiman

…Petitioner

Versus

Bank of India and others

…Respondents

CORAM: HON'BLE MR. JUSTICE M.M. KUMAR

HON'BLE MR. JUSTICE AJAY KUMAR MITTAL

Present: Mr. Ruchin Midha, Advocate,
for the petitioner.

JUDGMENT

M.M. KUMAR, J.

The prayer made by the petitioner in this petition filed under Article 226 of the Constitution is for quashing settlement proceedings dated 29.1.2007, entered between respondent Nos. 3 and respondent No. 1. It has also been prayed that respondent No. 1 be directed to hold a fresh auction of the property measuring 8 bighas 3 biswas, situated on Amloh Road, Mandi Gobindgarh. It is pertinent to mention that respondent No. 3 is an entrepreneur who had taken some loan from the bank-respondent No. 1. In order to recover the amount due to the bank-respondent No. 1, the property of respondent No. 3 was proposed to be auctioned. It is undisputed that the petitioner is in no way aggrieved by the settlement between respondent Nos. 1 and 3 because he had only the intention to

participate in the auction, which was proposed to be held by respondent No. 1 on 29.1.2007. However, the auction was cancelled in pursuance to the settlement between respondent Nos. 1 and 3. Claiming that the petitioner is aggrieved by the cancellation of auction, the petitioner has made the aforementioned prayer.

After hearing learned counsel for the petitioner we find that the petitioner is a *persona non grata* and has no locus standi to interfere in the settlement arrived at between respondent Nos. 1 and 3. The petitioner has acquired no right even if it is presumed that he visited the place where auction of the property in dispute was to be held. He can simply be regarded as a meddler with some oblique motive to disturb the settlement between respondent No. 1 and respondent No. 3. Therefore, we dismiss the writ petition by holding that the petitioner has neither any right nor he has locus standi to challenge the settlement dated 29.1.2007.

(M.M. KUMAR)
JUDGE

(AJAY KUMAR MITTAL)
JUDGE

July 6, 2007
Pkapoor